

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

FINTIV, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

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Civil Action No.: 1:19-CV-1238-ADA

JURY TRIAL DEMANDED

**AGREED AMENDED SCHEDULING ORDER SUBSEQUENT
TO CASE MANAGEMENT CONFERENCE
(Case Management Conference (“CMC”) May 30, 2019)**

DEADLINE	ITEM
May 20, 2019	Plaintiff serves preliminary ¹ infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also produce (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.
June 13, 2019	Deadline for Motions to Transfer.
July 25, 2019	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s), and (3) summary, annual sales information for the accused product(s) for the prior two years, unless the parties agree to some other timeframe.
August 8, 2019	Parties exchange claim terms for construction.

¹ The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served and should do so seasonably upon identifying any such material. Any amendment to add claims requires leave of court so that the Court can address any scheduling issues.

DEADLINE	ITEM
August 22, 2019	Parties exchange proposed claim constructions.
September 5, 2019	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
September 12, 2019	Parties file Opening claim construction briefs, including any arguments that any claim terms are indefinite.
October 3, 2019	Parties file Responsive claim construction briefs.
October 17, 2019	Parties file Reply claim construction briefs.
October 24, 2019	Parties submit Joint Claim Construction Statement, optional tutorials, and consolidated briefing collated by Opening, Response, and Reply.
November 8, 2019	Markman Hearing at 9:00 a.m. in Austin, Texas.
November 14, 2019	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
December 19, 2019	Deadline to add parties.
January 9, 2020	Deadline to serve Final Infringement and Invalidity Contentions.
January 30, 2020	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or claims.
March 26, 2020	Deadline to serve privilege log.
August 4, 2020	Deadline for plaintiff to narrow the number of claims asserted.
August 25, 2020	Close of Fact Discovery.
September 8, 2020	Opening Expert Reports.
September 8, 2020	Deadline for defendant to narrow the number of prior art references at issue.
October 13, 2020	Rebuttal Expert Reports.
November 13, 2020	Close of Expert Discovery.
December 2, 2020	Dispositive motion deadline and <i>Daubert</i> motion deadline.
January 8, 2021	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, designations).
January 26, 2021	Serve objections to pretrial disclosures/rebuttal disclosures.

DEADLINE	ITEM
February 4, 2021	Serve objections to rebuttal disclosures and File Motions <i>in limine</i> .
February 12, 2021	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, designations); file oppositions to motions <i>in limine</i> .
February 19, 2021	Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
February 24, 2021	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
March 1, 2021	Final Pretrial Conference.
March 4/5, 2021	Jury Selection.
March 8, 2021	Trial.

SIGNED this _____ day of _____ 2020.

ALAN D. ALBRIGHT
UNITED STATES DISTRICT JUDGE

AGREED TO:

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